Minimum Wage and Maximum Hours Standards Under the Fair Labor Standards Act

1985 Report to the Congress Required by
Section 4 (d)(1) of the Fair Labor Standards Act

U.S. Department of Labor
William E. Brock, Secretary

Employment Standards Administration
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U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

November 29, 1985

THE HONORABLE THE PRESIDENT OF THE SENATE
THE HONORABLE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Gentlemen:

Transmitted herewith is the Department of Labor's annual report required by Section 4(d)(1) of the Fair Labor Standards Act (FLSA). The report covers enforcement activities under FLSA for the period of October 1, 1983, through September 30, 1984, and other activities during calendar year 1984.

To address one of the Nation's serious and continuing problems--that of providing adequate employment opportunities for youth--we have again proposed legislation entitled the "Youth Employment Opportunity Wage Act of 1985." This legislation will permit employers to hire youth under 20 years of age from May 1 to September 30 at $2.50 per hour, or about 75 percent of the current $3.35 minimum wage. This will improve the employment situation for youth during the summer, when their need for jobs is greatest.

The legislation includes provisions prohibiting the substitution of youth for current employees. It also prohibits the discharge, transfer, or demotion of any employee because of his or her ineligibility for the youth wage, and it provides penalties to assist in the enforcement of these prohibitions. The legislation would be effective for a demonstration period, with an evaluation report to Congress.

There has been much discussion and study of youth employment issues, and it is now time to take positive steps towards removing a barrier to the employment of unskilled youth. We strongly believe that this proposed legislation, written to provide necessary protections and limitations, will prove very beneficial to young people, and I urge you to enact it.

A significant development for the Wage Hour program involves the recent expansion of coverage under FLSA as a result of the Supreme Court decision in Garcia v. San Antonio Metropolitan Transit Authority. The Court, reversing a decision it made in

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National League of Cities, ruled that the provisions of the Fair Labor Standards Act apply to State and local government employees. Consequently, an estimated 7.5 million nonsupervisory employees of State and local governments are now subject to the Federal minimum wage provisions and 6.8 million are subject to the overtime provisions of the Act.

Enforcement of the Act's provisions has been actively pursued, with over 64,000 compliance actions taken during fiscal year 1984. These actions disclosed $107 million in unpaid wages. Employers agreed to pay $22 million in minimum wages owed to 150,000 workers and $57 million in overtime wages owed to 223,000 workers.

Very truly yours,

WILLIAM E. BROCK

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Enclosure

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Acknowledgements

This report was prepared under the direction of Kerry Helmeke and overall supervision of Willis J. Nordlund, Director, Division of Program Development and Research, Employment Standards Administration. Charles Stanford developed the statistical estimates of employees covered by the Fair Labor Standards Act. Support was also provided by the Employment Standards Administration's Wage and Hour Division and Division of Legislative Analysis and the Office of the Solicitor's Division of Fair Labor Standards.

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Legislation to Amend the Fair Labor Standards Act During 1984

The Congress did not enact legislation to amend the Fair Labor Standards Act (FLSA) during 1984. Several bills were introduced but no action was taken.

The Administration actively pursued the enactment of youth minimum wage legislation. On May 17, 1984, President Reagan transmitted a message to Congress proposing enactment of the "Youth Employment Opportunity Wage Act of 1984." The draft Administration bill included with the message would have established a youth wage of $2.50 an hour or 75 percent of the otherwise applicable minimum wage (whichever is less) from May 1 to September 30 applicable to youths under 20 years of age. The application of the provision would have terminated with respect to hours worked after September 30, 1987. The amendment required the Secretary of Labor to prepare a report on the employment effects of the youth wage. The Administration bill was introduced as S. 2687 (Percy, R., Illinois) and H.R. 5721 (Packard, R., California). There were 18 cosponsors of the Senate bill and 43 cosponsors of the House bill.

Hearings were held on these bills on both sides of the Congress. The Senate Committee on Labor and Human Resources held a hearing on June 8, 1984, on S. 2687. Secretary of Labor Donovan testified on behalf of the Administration in support of the bill. The Subcommittee on Employment Opportunities of the House Committee on Education and Labor held a hearing on May 22, 1984, on youth employment incentives and the Administration's youth employment opportunity wage bill. Also on June 27, 1984, the Joint Economic Committee held a hearing on the Administration's youth wage bills.

The bills were not reported out of committee nor were votes taken on youth wage legislation on the floor of either the House or the Senate.

Other FLSA bills introduced but not acted on in 1984 included:

-- H.R. 5359 (Leland, D. Texas) would have amended Title 5 of the United States Code to revise the pay structure of Federal firefighters, and would, in addition, have amended Section 13(b) of FLSA by adding a new overtime exemption for any employee whose duties primarily relate to firefighting and whose pay is established under Section 5376 of Title 5.

-- H.R. 5808 (Murphy, D., Pennsylvania) would have increased the overtime pay premium to two times the regular rate of pay for hours after 40 in a workweek, and required employees to give written consent to work more than 40 hours per week.

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-- H.R. 5949 (D. Smith, R., Oregon) would have added a new minimum wage and overtime exemption for any employee whose duties primarily relate to managing hotels, motels, restaurants or apartments.

-- H.R. 6026 (Snowe, R., Maine) would have amended FLSA to remove the Secretary of Labor's authority to prohibit individual's from engaging in industrial homework of knitted outerwear or performing any service in or about the individual's place of residence as an employee of an employer covered by FLSA. Congresswoman Snowe's statement at the time the bill was introduced indicated that this provision was limited solely to knitted outerwear activities.

One hearing was held regarding industrial homework. The Subcommittee on Labor of the Senate Committee on Labor and Human Resources held a hearing on February 9, 1984, on S. 2145, a bill introduced in 1983 by Senator Hatch (R., Utah). S. 2145 was similar to H.R. 6026; however, it would have removed the authority of the Secretary of Labor to prohibit an individual from engaging in all industrial homework. This would include sewing, knitting, jewelry or craftmaking, or performing any service from the individual's place of residence if the employer paid him or her the minimum wage prescribed by FLSA. The Secretary of Labor submitted a statement to the Subcommittee for the record in which he discussed the status of the homework regulations (see page 7 of this report).

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ADMINISTRATION AND ENFORCEMENT OF THE FAIR LABOR STANDARDS ACT, FY 1984

Minimum Wage and Overtime Standards

The Wage and Hour Division received 50,037 employee complaints of FLSA violations and resolved more than 48,000 complaints during fiscal year 1984. The inventory of FLSA complaints was at a level of about 21,000 at the end of fiscal year 1984.

During the fiscal year, a total of 64,155 FLSA investigations were conducted (Table 1). This enforcement effort disclosed $33 million in minimum wage underpayments due 187,500 workers and $74 million in overtime underpayments due 260,700 employees. A total of $79 million was either agreed to be paid by employers, or ordered paid as a result of suits filed by the Department of Labor (Table 2). This total consisted of $22 million in unpaid minimum wages owed to 150,318 workers and $57 million in overtime wages owed to 223,400 employees.

One-half of the employees owed minimum wages were employed by retailers and one fifth were employed in service establishments. The manufacturing and agriculture sectors were next in prominence, with each accounting for about 8 percent of the employees owed unpaid minimum wages. In terms of the amount of minimum wages owed, retail trade accounted for 31 percent, services for 28 percent, and manufacturing for 12 percent.

In contrast to minimum wage violations, nearly a third of the employees paid in violation of the overtime provisions were in the service sector and 30 percent were in retail trade. Also, construction firms were more prominent, accounting for 13 percent of such employees. Of the $74 million in underpayments, 34 percent was owed by retail firms, 24 percent by service establishments, and 14 percent by construction firms.

In the construction, manufacturing, retail trade, and service sectors, employer agreements to pay applied to at least 74 percent of the employees due unpaid minimum wages and at least 70 percent of the employees due overtime wages. In these same industries, the proportions of unpaid minimum wages and overtime compensation agreed to be paid was not less than 70 percent.

The difference between the amounts found due to employees and the amounts agreed to be paid is largely attributable to cases in which employers refuse to pay and which are considered unsuitable for litigation by the Department. In such cases, employees have the right under FLSA to bring private suits to collect the back wages, liquidated damages, attorneys' fees, and court costs. Wages recovered in private employee suits, however, are not reflected in the enforcement statistics.

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Litigation Activity

The Department obtained a favorable court of appeals decision on the standard for awarding prejudgment interest on FLSA back wage awards. In Donovan v. Sovereign Security, 726 F.2d 55 (2d Cir. 1984), the Second Circuit held that the district court had abused its discretion by vacating its earlier award of prejudgment interest. The court explained that prejudgment interest should ordinarily be included in a back pay award entered in an FLSA action, because it serves the twin purposes of making employees whole for the delay in the receipt of their lawful wages and deterring employers from violating the Act in the future. The Second Circuit applied its Sovereign Security decision later in the year to rule that there was no abuse of discretion in an award of prejudgment interest at the adjusted prime rate (26 U.S.C. 6621(c)), which the Department requested under FLSA Section 17 in an Equal Pay Act case. EEOC v. County of Erie, 751 F. 2d 79 (2d Cir. 1984).

During the past year, two appellate courts upheld the Department's position that the workers involved were not "administrative employees" within the meaning of the exemption in Section 13(a)(1) of the FLSA. In Donovan v. United Video, 725 F.2d 577 (10th Cir. 1984), the Tenth Circuit rejected application of the exemption to microwave system engineers, and in Donovan v. Fisher Sand and Gravel, No. 83-2397 (8th Cir. April 17, 1984), the Eight Circuit, in an unpublished opinion, reached the same result with respect to the foremen in a sand and gravel crushing operation.

In Skills Development Co. v. Donovan, 728 F.2d 294 (1984), the Sixth Circuit issued a ruling on a National League of Cities issue. The Supreme Court in National League of Cities v. Usery, 426 U.S. 833 (1976), had held that Federal minimum wage and overtime pay standards are unconstitutional as applied to State and local government employees who perform "traditional government functions." Thus, the Skills Development court held that the Tenth Amendment does not bar application of the FLSA minimum wage and overtime provisions to private corporations furnishing services to mentally retarded persons pursuant to a contract with a State. The court concluded that, because the corporations are private entities, although heavily funded and regulated by the State, application of the Act to them does not regulate the "States as States" and, therefore, does not infringe the Tenth Amendment under the test established by the Supreme Court in National League of Cities and subsequent cases.

In a case concerning the retail or service establishment exemption under Section 13(a)(2), the Fifth Circuit relied upon the Department's interpretive regulation to hold that a truck stop was not exempt from the Act. Donovan v. Road Rangers Country Junction, Inc., 736 F.2d 1004 (5th Cir. 1984). The court upheld

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the Department's position that the sale of diesel fuel to truckers is the provision of specialized goods and services, rather than retail sales within the meaning of the FLSA exemption.

The Department obtained mixed results in "enterprise" cases under Section 3(r). The Fifth Circuit ruled that a covered enterprise existed in the operation of several hotels in different cities under different corporate ownership, where the hotels were controlled by a central business office and were funded and operated for the profit of the founder/president of the corporations. Donovan v. Grim Hotel Co., 747 F. 2d 966 (5th Cir. 1984). The Sixth Circuit held that there was not sufficient "common control" to constitute a covered enterprise between a franchisee and franchisor in the operation of a transmission repair stop. Marshall v. Shan-An-Dan, Inc., 747 F. 2d 1084 (5th Cir. 1984). The Eleventh Circuit ruled that the operation of a cocktail lounge and hotel on the same premises under common ownership did not constitute an enterprise, because the record did not show "related activities" or "common business purpose" within the meaning of the Act. Donovan v. Easton Land & Development, Inc., 723 F.2d 1549 (11th Cir. 1984).

The Sixth Circuit entered an adverse decision on the employment relationship issue in Donovan v. Brandel, 736 F. 2d 1114 (6th Cir. 1984). The court held that migrant farm worker families, including young children, were independent contractors and not employees of the farm owner whose crop they harvested. The Department filed a petition for rehearing en banc, which was still pending at the end of 1984.

The Atlanta Regional Solicitor's office began litigation of a potentially significant FLSA case involving door-to-door sales of candy and cookies by children ages 14 to 18 years. Suit was brought against the Secretary by an individual under investigation by the Wage and Hour Division for possible child labor violations; he asserted that the children selling candy and cookies in his operation are independent contractors or, in the alternative, that they are not employed by an enterprise or engaged in commerce or the production of goods for commerce within the meaning of the Act. Thomas v. Donovan, W.D. N.C., Char. Div., Civ. No. C-C-84-290-M. The Department answered and filed a counter-suit, seeking an injunction against violation of the child labor and recordkeeping provisions of the Act; the Department alleged that the plaintiff is an employer of the children and that the business is subject to the Act under both traditional and enterprise coverage. In addition, the Atlanta Regional Solicitor has filed a separate Section 17 action against the alleged supplier of the candy and cookies, contending that they are employers of Mr. Thomas and of the children. Donovan v. Global Home Products, Inc., W.D. N.C., Char. Div., Civ. No. C-C-84-444-M. The cases have been consolidated.

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Certificates Under Section 14 of the Fair Labor Standards Act

Section 14 of the Fair Labor Standards Act provides for the employment of certain categories of workers at wage rates less than the statutory minimum wage in order to prevent the curtailment of opportunities for employment of these workers. The categories of workers include learners, students, apprentices, messengers, and handicapped workers. Authorization to pay lower minimum wages is granted by certificates under regulations which set forth the terms and conditions for the issuance of such certificates.

Certification trends - In fiscal year 1984, the number of workers employed under subminimum wage certificates decreased by 2 percent from the previous year. Workers certified under section 14(a) (learners, student-learners, apprentices, and messengers) declined by 4 percent. The number of full-time students authorized under section 14(b) declined by 9 percent. However, there was a 4 percent increase in the number of handicapped workers employed under section 14(c).

Section 14(a): learners, student-learners, student-workers, apprentices, and messengers - The number of establishments which were issued subminimum wage certificates authorizing the employment of learners decreased from 14 in fiscal year 1983 to 10 in fiscal year 1984 (Table 3). The number of workers authorized to be employed under these certificates fell from 259 to 138.

The number of certificates authorizing the employment of apprentices, which were all issued for use in Puerto Rico, declined from 13 to 10.

No certificates were issued for authority to employ messengers or student-workers (students who are employed to work part-time in workplaces owned by the educational institutions which they attend) at subminimum wages during fiscal year 1984.

A student-learner is one who attends an accredited school, college, or university and who is employed part time in a bona fide training program for which he or she receives educational credit. The number of student-learner certificates issued during fiscal year 1984 was 2,462. This represents a slight increase from the 2,454 issued during the previous fiscal year.

Section 14(b): full-time students - A full-time student under this section of the law is one who receives primarily daytime instruction at a bona fide educational institution and may be employed in agriculture or a retail or service establishment at a subminimum wage rate. In addition, a full-time student of an institution of higher education may be employed by such institution under this provision of the Act. The number of full-time student certificates issued under the provisions of section 14(b) decreased from 25,905 in fiscal year 1983 to 23,038 in fiscal

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year 1984. The number of students employed under these certificates fell from 241,896 to 221,180 during this period.

Of the 23,038 certificates issued, 241 were issued to institutions of higher education. This represents a decline of 49 certificates from the 290 certificates previously issued. Of the remaining 22,797 issued, 351 authorized the employment of 2,719 full-time students in agriculture, and 22,446 authorized the employment of 173,952 full-time students in retail or service establishments.

Section 14(c): handicapped workers - The employment of handicapped workers with impaired productivity at lower minimum wages is governed by separate regulations for competitive industry, nonprofit sheltered workshops, and hospitals and institutions.

Handicapped worker certificates issued in competitive industry in effect at the close of fiscal year 1984 totaled 5,391 as compared with 4,654 in effect in fiscal year 1983 (Table 4). These figures include temporary certificates for trainees issued by State vocational rehabilitation agencies and the Veterans Administration under the authorization of the Department of Labor.

Handicapped workers employed in certified sheltered workshops at the end of fiscal year 1984 totaled 225,017, a 4 percent increase over the 216,030 employed in fiscal year 1983. The number of certified sheltered workshops increased by 4 percent in fiscal year 1984, from 4,631 to 4,814.

Of the 225,017 handicapped workers employed in sheltered workshops, 72 percent were employed in work activities centers, the same percentage as in 1983. These centers provide therapy, training, and work for handicapped persons whose productive capabilities are very limited.

The patient-worker certification program applies to patients who work for the facilities in which they reside, but are not capable of producing at a competitive level. At the close of fiscal year 1984, 155 private hospitals and institutions held certificates applicable to 3,273 patient workers.

The Department's Advisory Committee on Sheltered Workshops met twice during the year. The Advisory Committee, appointed by the Secretary, provides advice and recommendations to the Administrator of the Wage and Hour Division on the administration and enforcement of the sheltered workshop and patient worker programs.

Certification of Industrial Homework under Section 11(d) of the Fair Labor Standards Act

Section 11(d) of the Fair Labor Standards Act authorizes the Secretary of Labor to issue rules which regulate, restrict, or

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prohibit industrial homework in order to safeguard the Act's minimum wage requirements.

Certificates are required from the Department of Labor for the employment of homeworkers in seven restricted industries. The regulations restrict homework to individuals who are handicapped and cannot adjust to factory work or are required to remain at home to care for an invalid. The restricted industries are: women's apparel; jewelry; knitted outerwear; gloves and mittens; buttons and buckles; handkerchiefs; and embroideries. The number of individual certificates granted during fiscal year 1984 was 146 compared with 105 granted during fiscal year 1983.

In 1981, a comprehensive review of the regulations (29 CFR Part 530) resulted in the removal of the ban on homework in the knitted outerwear industry. In conjunction with the removal of the restrictions, the Department undertook a concerted compliance effort to determine the effects of removing the ban.

A subsequent challenge to the Department's action was instituted by certain unions and manufacturers in the garment industry. While the lower court upheld the Department's action, the United States Court of Appeals for the District of Columbia Circuit reversed this decision (ILGWU v. Donovan, 722 F. 2d 795 (D.C. Cir. 1983)). The restrictions on homework in the knitted outerwear industry were reinstated on May 24, 1984.

On March 27, 1984, the Department published a proposal to again rescind the restrictions on homework in the knitted outerwear industry. The proposal solicited comments on various alternatives to total rescission, including licensing (certification) of employers. A final rule was issued on November 5, 1984, effective on December 5, 1984, which modified the restrictions to allow an employer in the knitted outerwear industry to employ any homeworker (without regard to whether such homeworker is handicapped and unable to adjust to factory work or is required to remain at home to care for an invalid) provided the employer first obtains a certificate from the Department of Labor authorizing such employment. Any knitted outerwear employer who does not obtain such a certificate remains subject to the current restrictions requiring individual homeworker certificates for the employment of industrial homeworkers.

Youth Employment Standards

FLSA investigations conducted during fiscal year 1984 disclosed 8,877 minors employed contrary to the statutory child labor provisions in 2,406 establishments. Of the total number of minors, 8,354 were found employed in nonagricultural occupations, 1,614

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of whom were under age 14. The 14- and 15-year-olds employed in violation numbered 3,725, and 16- and 17-year-olds, employed in violation totaled 3,015.

More than two-thirds of the minors found illegally employed (5,974) during fiscal year 1984 worked for retail trade employers. Almost 40 percent (3,482) of such minors were found to be employed in the food service industry.

Of the 8,877 minors found to be illegally employed, 3,791 minors, or almost 43 percent of the total, were employed in violation of one or more of the nonagricultural occupations declared hazardous by the Secretary of Labor. As indicated in Table 5, Hazardous Orders Numbers 10, 11, and 2 were most frequently violated.

Of the 523 minors found in violation of agricultural employment standards, 105 were under age ten, 182 were 10 or 11-years-old, 174 were aged 12 or 13, and 62 were 14- or 15-year-olds. The 14- and 15-year-olds, as well as some of the younger persons, were employed contrary to the hazardous agricultural occupations order which requires a 16-year minimum age.

The child labor civil money penalty section of FLSA, 16(e), provides that employers may be assessed a civil money penalty up to $1,000 for each violation of the child labor provisions. As shown in Table 6, civil money penalty assessments for child labor violations amounted to over one million dollars for 6,563 minors in 721 establishments. A total of 144 exceptions to the notices of penalty were filed by employers.

New initiatives for the Work Experience and Career Exploration Program (WECEP) were begun in fiscal year 1984 by the Department of Labor in cooperation with the Department of Education. WECEP, an exception provided from the employment standards of regulation 3, is a school-supervised and school-administered program for 14- and 15-year-old youths who are potential school dropouts. The objectives of the program are to reorient and motivate students toward education and/or to prepare them for the world of work, while they continue to stay in school and accumulate credits toward graduation. Currently, twenty States are approved to operate WECEP programs.

Minimum Wage Standards in Puerto Rico, the Virgin Islands and American Samoa

The 1977 Amendments to the Fair Labor Standards Act provided for increases in the minimum wage rates in Puerto Rico and the Virgin Islands which were designed to raise minimum wages in these areas to the level of the United States mainland. The Amendments required that all such minimum wage rates which were at the mainland rate as of December 31, 1978, be increased in the same amounts and on the same dates as any increases provided for the

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mainland. The 1977 Amendments also provided for a series of automatic increases ranging from 20 to 30 cents an hour to be effective each successive January 1 until the mainland level is reached for those wage rates which were still below the mainland statutory level on December 31, 1978.

Under this schedule of automatic wage increases, there were no remaining minimum wage rates of less than $3.35 an hour in Puerto Rico as of January 1, 1984. All activities covered by the FLSA in the Virgin Islands have had minimum wage rates of $3.35 an hour since January 1, 1983.

The program to review industry minimum wage rates remains active for American Samoa. These wage rates are reviewed biennially by an industry committee appointed by the Secretary. The last minimum wage review was held in April 1984.

Tuna canning remains the dominant industry in American Samoa, accounting for over one-half of the employment in the private sector. A minimum wage rate of $2.67 an hour, in effect since July 1, 1984, is the highest rate under this program. The lowest rates are $1.38 for the laundry and dry cleaning industry, followed by $1.68 for the hotel industry. Another round of wage rate increases did take effect on July 1, 1985.

Management Information System

During fiscal year 1984, the Wage and Hour Division's Automated Management Information System completed its second full year of operation. The system provides the Division with the ability to track case activity from the initiation through the closing of the cases and to maintain statistical accounting for program accomplishments. Several enhancements were made to the system design which made additional information available, enabling managers at all levels to better manage resources and supervise work levels.

The design of a system to track the certification of establishments authorized to pay special wage rates under Section 14 of FLSA was completed during the year. Total implementation of the Section 14 subsystem will be in place by the middle of fiscal year 1986.

Information and Educational Activities

Educational and informational activities are primary means of educating both employers and employees about their responsibilities and rights under FLSA. An understanding of the law's requirements is conducive to improved voluntary compliance. Activities to explain and publicize FLSA during the past year included the following:

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-- writing and disseminating press releases and other material describing and explaining regulatory changes and other program action to the news media and to the affected publics;

-- providing data and arranging interviews on the program for editors, reporters, and commentators associated with newspapers, magazines, and other news media, including radio and television;

-- writing, updating, and distributing a variety of publications, both technical and nontechnical, on specific aspects of the law, and providing Spanish, Chinese and Vietnamese translations of basic publications;

-- answering consumer inquiries and requests made by telephone or letters;

-- preparing and distributing consumer fact sheets which discuss basic provisions of the law;

-- making speeches or presentations stressing the content of FLSA and the need for greater compliance to various groups in all parts of the Nation;

-- distributing radio and television public-service announcements and furnishing them to the networks and local radio and television stations throughout the country which relay information on the Federal minimum wage and basic tenets of the overtime and child labor provisions; and,

-- providing posters setting out employee rights under FLSA minimum wage, overtime and child labor provisions. The law requires employers to display this poster where employees can see it, and about 300,000 were requested by employers last year.

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Table 1. Enforcement under the Fair Labor Standards Act, by industry division, fiscal year 1984

Industry division	Investigations	Number of Employees owed unpaid wages (in thousands)			Amount of underpayment (in millions)		
		Unduplicated count	Minimum wage	Overtime compensation	Total	Minimum wage	Overtime compensation
All Industries	64,155	405.6	187.5	260.7	107.2	33.2	74.0
Private sector	63,972	405.3	187.4	260.5	107.0	33.1	74.0
Agriculture	4,271	19.7	14.2	5.4	3.7	2.1	1.6
Mining	641	7.5	3.1	6.2	4.3	1.1	3.2
Construction	6,324	27.4	6.6	32.9	11.4	1.4	10.1
Manufacturing	5,385	39.5	15.0	27.4	9.7	3.9	5.8
Transportation and public utilities	3,145	18.1	7.9	10.9	8.5	3.0	5.5
Wholesale trade	2,668	12.8	4.5	9.2	3.5	1.2	2.7
Retail trade	25,270	159.0	94.0	78.0	35.2	10.2	25.0
Finance, insurance, and real estate	2,300	10.1	4.0	6.1	3.3	1.1	2.1
Services	13,968	105.0	38.1	84.4	27.0	9.0	18.0
Public sector	183	.3	.1	.2	.2	.1	.1

NOTE: Details may not add to totals. Data are preliminary.

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Table 2. Employer agreements to pay minimum wages and overtime compensation found due under the provisions of Fair Labor Standards Act, by industry division, fiscal year 1984

Industry division	Employer agreements to pay: Number of employees (in thous.)			Wages found due: Amount agreed to (in millions)		
	Unduplicated count	Minimum wage	Overtime compensation	Total	Minimum wage	Overtime compensation
All Industries	341.9	150.3	223.4	$79.2	$21.9	$57.2
Private sector	341.7	150.3	223.2	79.1	21.9	57.1
Agriculture	14.6	9.4	5.2	2.6	1.5	1.1
Mining	5.9	2.1	3.9	3.4	.8	2.6
Construction	24.1	4.9	23.1	8.9	1.5	7.4
Manufacturing	32.2	12.6	23.4	8.3	3.2	5.1
Transportation and public utilities	13.5	6.9	8.9	5.4	1.7	3.7
Wholesale trade	9.9	2.6	7.5	3.0	.5	2.5
Retail trade	139.3	70.9	72.1	25.9	8.2	17.7
Finance, insurance, and real estate	9.0	2.1	7.1	2.3	.8	1.5
Services	93.1	38.8	72.0	19.3	6.5	12.8
Public sector	.2	1/	.2	.1	1/	.1

1/ Less than 50 employees or $50,000.
NOTE: Details may not add to totals. Data are preliminary.

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Table 3. Certificates granting a partial minimum wage exemption and employment authorized under Sections 14(a) and 14(b) of the Fair Labor Standards Act, fiscal years 1983 and 1984

Section and type of certification	Certificates		Employment authorized	
	FY 1983	FY 1984	FY 1983	FY 1984
Section 14(a)				
Learner	14	10	259	138
Student-learner	2,454	2,462	2,454	2,462
Student-worker	--	--	--	--
Apprentice 1/	13	10	13	10
Messenger	--	--	--	--
Section 14(b)				
Full-time student 2/	25,905	23,038	241,896	221,180
Institution of higher education 3/	290	241	43,387	44,509
Retail and service establishments	25,184	22,446	195,173	173,952
Agriculture	431	351	3,336	2,719

1/ All apprentice certificates are granted in Puerto Rico.

2/ Data for the number of full-time students are not available. However, the data shown are based on the assumption that, on the average, each certificate authorized the employment of about 7.75 full-time students at subminimum rates in retail, service and agriculture, and a factor of 150 full-time students in FY 1983 and 153 full-time students in FY 1984 in institutions of higher education.

3/ Includes private institutions only.

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Table 4. Certificates in effect at close of period granting a partial minimum wage exemption and employment authorized under Section 14(c) of the Fair Labor Standards Act, fiscal years 1983 and 1984

Type of certificate	Certificates in effect		Employment authorized	
	FY 1983	FY 1984	FY 1983	FY 1984
Handicapped workers				
Competitive industry	4,654	5,391	4,654	5,391
Sheltered workshops	4,631 1/	4,814 1/	216,030	225,017
Patient workers in hospitals and institutions 2/	145	155	3,169	3,273

1/ Unduplicated count of certificated sheltered workshops.

2/ Includes private hospitals only.

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Table 5. Minors illegally employed in nonagricultural occupations declared hazardous under the child labor provisions of the Fair Labor Standards Act, by hazardous order violated, fiscal year 1984

Hazardous occupations order	Minors illegally employed	
	Number	Percent
Order No. 10, Slaughtering, meat packing or processing, or rendering (including retail/service establishments)	1,678	44
Order No. 11, Power-driven bakery machines	640	17
Order No. 2, Motor vehicle driver or helper	506	13
Order No. 12, Power-driven paper products machines	245	6
Order No. 5, Power-driven wood-working machines	216	6
Other hazardous orders (balance of 17 orders)	506	13
Total	3,791	100

NOTE: There is some duplication in figures since certain minors were employed in violation of more than one hazardous order. Due to rounding, the sum of the percentages does not equal 100 percent.

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Table 6. Assessments for child labor violations under the civil money penalty provisions of the Fair Labor Standards Act, by industry, fiscal year 1984

Industry	Number of		Amount assessed
	Assessments	Minors	
Agriculture, forestry/fishing	54	427	$ 45,880
Construction	36	94	21,305
Manufacturing	60	493	67,305
Wholesale trade	20	113	15,005
Retail trade	453	4,626	830,639
Services	81	739	94,960
Other	17	71	13,525
Total	721	6,563	1,088,619

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COVERAGE ESTIMATES UNDER THE FAIR LABOR STANDARDS ACT

In September 1984, 105.8 million persons were employed in the civilian labor force. Of this total, 9.4 million were self-employed and .5 million were unpaid family members, leaving a net of 95.8 million employed as wage and salary workers. The estimated 99.2 million shown in Table 7 is derived from establishment payroll data coupled with the inclusion of private household workers, an average of agricultural employment, and other adjustments.

Minimum Wage

As of September 1984, 63.4 million nonsupervisory employees were subject to the minimum wage provisions of the Fair Labor Standards Act, and they represented just over four-fifths of the employed nonsupervisory workforce, excluding outside sales-workers. In the private sector, 89 percent of the nonsupervisory employees, excluding outside sales-workers, were subject to the minimum wage. Of the workers not subject to the minimum wage, over one-half were employed in retail trade and service industries.

Of the 63.4 million covered employees, 29.5 million were female, 33.9 were male, 55.7 million were white and 7.7 million were of black and other minority races (Table 8). In relative terms, however, there were no significant differences in coverage among these groups, with the proportions covered being 78 or 79 percent.

Overtime

Due to various statutory exemptions, fewer employees are subject to the overtime compensation provisions of FLSA than are subject to the minimum wage provisions. An estimated 59.4 million nonsupervisory employees were covered by the overtime provisions of the Act in September 1984, and employers were required to pay these employees not less than one and one-half times their regular rates of pay for all hours worked over 40 in a workweek (Table 10).

Exemptions from Minimum Wage and Overtime

An estimated 11.7 million nonsupervisory employees were exempt from the minimum wage and/or overtime provisions of FLSA in September 1984 (Table 12). Private sector industries accounted for all the nonsupervisory employees (7,625,000) who were exempt from both the minimum wage and overtime provisions of FLSA. Among these latter, 4.2 million (56 percent) of the exempt workers were employed in the retail trade and service industries, and another 2.0 million (26 percent) were equally divided between two major industries: 1) agriculture, and 2) finance, insurance, and real estate.

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An estimated 4.0 million employees were exempt from only the overtime provisions of FLSA. The vast majority of these employees (95 percent) were in categories in which a full overtime exemption applied. The transportation industry employed nearly two-fifths the workers for whom a full overtime exemption applied, followed by retail trade (25 percent), and agriculture (15 percent).

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TABLE 7. ESTIMATED NUMBER OF EMPLOYED WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE CLASSIFIED BY THEIR STATUS UNDER THE MINIMUM WAGE PROVISIONS OF THE FAIR LABOR STANDARDS ACT, BY INDUSTRY, UNITED STATES, SEPTEMBER 1984

(IN THOUSANDS)

INDUSTRY DIVISION	NUMBER OF EMPLOYED WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE				NUMBER OF NONSUPERVISORY EMPLOYEES SUBJECT TO THE MINIMUM WAGE PROVISIONS OF THE FLSA			NUMBER OF NONSUPERVISORY EMPLOYEES NOT SUBJECT TO THE MINIMUM WAGE PROVISIONS OF THE FLSA
	TOTAL	ACTIVITIES GENERALLY EXEMPT UNDER SECTION 13(A)(1) OF FLSA 1/		NON-SUPERVISORY EMPLOYEES EXCLUDING OUTSIDE SALES-WORKERS	TOTAL	SUBJECT PRIOR TO THE 1966 AMENDMENTS 2/	SUBJECT AS A RESULT OF THE 1966 AND LATER AMENDMENTS	
		EXECUTIVE, ADMINISTRATIVE, AND PROFESSIONAL PERSONNEL	OUTSIDE SALES-WORKERS					
ALL INDUSTRIES	99,213	18,463	2,550	78,200	63,438	45,557	17,881	17,312
PRIVATE SECTOR	82,957	11,982	2,550	68,425	60,802	45,557	15,245	10,173
AGRICULTURE 3/	1,676	86		1,590	612		612	978
MINING	1,024	135		889	885	885		4
CONTRACT CONSTRUCTION	4,654	467	5	4,182	4,165	3,488	677	22
MANUFACTURING	19,904	2,321	403	17,180	17,098	16,994	104	485
TRANSPORTATION AND PUBLIC UTILITIES	5,263	599	7	4,657	4,633	4,555	78	31
WHOLESALE TRADE	5,602	797	950	3,855	3,831	3,588	243	974
RETAIL TRADE	16,486	1,647	150	14,689	12,419	6,523	5,896	2,420
FINANCE, INSURANCE, AND REAL ESTATE	5,707	826	993	3,888	3,701	3,556	145	1,180
SERVICE INDUSTRIES (EXCEPT PRIVATE HOUSEHOLDS) 4/	21,077	5,104	42	15,931	12,419	5,968	6,451	3,554
PRIVATE HOUSEHOLDS	1,564			1,564	1,039		1,039	525
PUBLIC SECTOR	16,256	6,481		9,775	2,636		2,636	7,139
FEDERAL GOVERNMENT	2,757	522		2,235	2,235		2,235	
STATE AND LOCAL GOVERNMENT 4/	13,499	5,959		7,540	401 5/		401	7,139

SEE NEXT PAGE FOR FOOTNOTES.

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FOOTNOTES FOR TABLE 7 -- MINIMUM WAGE STATUS OF EMPLOYEES, BY INDUSTRY

1/ SECTION 13(A)(1) EXEMPTS FROM THE MINIMUM WAGE AND OVERTIME PROVISIONS OF THE FAIR LABOR STANDARDS ACT '...ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY (INCLUDING ANY EMPLOYEE IN THE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL, OR TEACHER IN ELEMENTARY OR SECONDARY SCHOOLS), OR IN THE CAPACITY OF OUTSIDE SALESMAN...' INCLUDED ARE ALL EMPLOYEES IN THE SPECIFIED ACTIVITIES WHETHER EMPLOYED IN COVERED OR NONCOVERED ESTABLISHMENTS.

2/ RELATES TO CURRENTLY EMPLOYED WORKERS WHO WOULD HAVE BEEN SUBJECT UNDER CRITERIA IN EFFECT PRIOR TO THE 1966 AMENDMENTS.

3/ ESTIMATES FOR AGRICULTURE ARE BASED ON AVERAGE EMPLOYMENT FOR THE TEN-MONTH ACTIVE SEASON. FOR JULY 1984, A PEAK EMPLOYMENT PERIOD, THE ESTIMATE FOR TOTAL HIRED FARM LABOR WAS 2,122,000; FOR NONSUPERVISORY EMPLOYMENT, 2,018,000; FOR SUBJECT EMPLOYMENT, 759,000.

4/ ESTIMATES FOR EDUCATIONAL SERVICES RELATE TO OCTOBER 1984.

5/ ESTIMATED EMPLOYMENT SUBJECT TO THE MINIMUM WAGE RELATES TO NONSUPERVISORY EMPLOYMENT IN PUBLIC TRANSIT, OTHER PUBLIC UTILITIES, WATER TRANSPORTATION SERVICES, AND STATE LIQUOR STORES.

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TABLE 8. ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES SUBJECT TO THE MINIMUM WAGE PROVISIONS OF THE FAIR LABOR STANDARDS ACT, BY SEX AND RACE, UNITED STATES, SEPTEMBER 1984

RACE AND SEX	TOTAL NUMBER OF NONSUPERVISORY EMPLOYEES 1/	NUMBER OF NONSUPERVISORY EMPLOYEES SUBJECT TO THE MINIMUM WAGE PROVISIONS OF THE FLSA			NUMBER OF NONSUPERVISORY EMPLOYEES NOT SUBJECT TO THE MINIMUM WAGE PROVISIONS OF THE FLSA
		TOTAL	SUBJECT PRIOR TO THE 1966 AMENDMENTS 2/	SUBJECT AS A RESULT OF THE 1966 AND LATER AMENDMENTS	
TOTAL	80,750	63,438	45,557	17,881	17,312
WHITE	70,903	55,740	40,703	15,037	15,163
BLACK AND OTHER	9,847	7,698	4,854	2,844	2,149
BLACK	8,973	7,033	4,433	2,600	1,940
MALES	43,174	33,949	25,977	7,972	9,225
WHITE	38,038	29,887	23,008	6,879	8,151
BLACK AND OTHER	5,136	4,062	2,969	1,093	1,074
BLACK	4,725	3,753	2,752	1,001	972
FEMALES	37,576	29,489	19,580	9,909	8,087
WHITE	32,865	25,853	17,695	8,158	7,012
BLACK AND OTHER	4,711	3,636	1,885	1,751	1,075
BLACK	4,248	3,280	1,681	1,599	968

1/ ALL EMPLOYED WAGE AND SALARY WORKERS ARE INCLUDED EXCEPT ACADEMIC ADMINISTRATIVE PERSONNEL AND TEACHERS IN ELEMENTARY AND SECONDARY SCHOOLS, AND EXECUTIVE, ADMINISTRATIVE, AND PROFESSIONAL EMPLOYEES IN ALL OTHER ACTIVITIES.

2/ RELATES TO CURRENTLY EMPLOYED WORKERS WHO WOULD HAVE BEEN SUBJECT UNDER CRITERIA IN EFFECT PRIOR TO THE 1966 AMENDMENTS.

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TABLE 9. ESTIMATED NUMBER OF WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE CLASSIFIED BY THEIR STATUS UNDER THE MINIMUM WAGE PROVISIONS OF THE FAIR LABOR STANDARDS ACT, BY REGION AND STATE, SEPTEMBER 1984

(IN THOUSANDS)

REGION AND STATE	NUMBER OF EMPLOYED WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE	NONSUPERVISORY EMPLOYEES INCLUDING OUTSIDE SALESWORKERS 1/	NUMBER OF NONSUPERVISORY EMPLOYEES SUBJECT TO THE MINIMUM WAGE PROVISIONS OF THE FLSA			NUMBER OF NONSUPERVISORY EMPLOYEES NOT SUBJECT TO THE MINIMUM WAGE PROVISIONS OF THE FLSA
			TOTAL	SUBJECT PRIOR TO THE 1966 AMENDMENTS 2/	SUBJECT AS A RESULT OF THE 1966 AND LATER AMENDMENTS 2/	
UNITED STATES..	99,213	80,750	63,438	45,557	17,881	17,312
ATLANTA.....	16,470	13,504	10,577	7,596	2,981	2,927
ALABAMA.....	1,446	1,181	916	650	266	265
FLORIDA.....	4,326	3,528	2,791	1,909	882	737
GEORGIA.....	2,592	2,130	1,683	1,231	451	447
KENTUCKY.....	1,288	1,056	794	566	228	263
MISSISSIPPI.....	890	726	555	376	179	170
NORTH CAROLINA....	2,668	2,206	1,729	1,319	410	477
SOUTH CAROLINA....	1,310	1,079	843	627	217	235
TENNESSEE.....	1,950	1,598	1,266	918	348	332
BOSTON.....	6,057	4,949	3,986	2,864	1,122	963
CONNECTICUT.....	1,575	1,295	1,053	796	257	242
MAINE.....	467	380	288	196	92	92
MASSACHUSETTS.....	2,888	2,353	1,916	1,359	557	437
NEW HAMPSHIRE.....	470	386	308	215	93	78
RHODE ISLAND.....	429	349	280	207	73	70
VERMONT.....	228	186	141	91	50	45
CHICAGO.....	19,191	15,627	12,357	9,207	3,150	3,270
ILLINOIS.....	4,868	3,960	3,195	2,399	796	764
INDIANA.....	2,233	1,830	1,438	1,083	354	392
MICHIGAN.....	3,521	2,855	2,255	1,695	560	600
MINNESOTA.....	2,001	1,631	1,267	910	357	364
OHIO.....	4,464	3,640	2,900	2,177	723	740
WISCONSIN.....	2,103	1,712	1,302	943	359	410
DALLAS.....	10,883	8,872	6,996	5,007	1,989	1,876
ARKANSAS.....	860	705	545	378	167	160
LOUISIANA.....	1,652	1,338	1,032	735	297	306
NEW MEXICO.....	521	417	309	200	109	107
OKLAHOMA.....	1,247	1,006	775	535	240	231
TEXAS.....	6,603	5,405	4,333	3,158	1,175	1,072

See footnotes at end of table.

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TABLE 9. ESTIMATED NUMBER OF WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE CLASSIFIED BY THEIR STATUS UNDER THE MINIMUM WAGE PROVISIONS OF THE FAIR LABOR STANDARDS ACT, BY REGION AND STATE, SEPTEMBER 1984

(IN THOUSANDS)-Continued

REGION AND STATE	NUMBER OF EMPLOYED WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE	NONSUPERVISORY EMPLOYEES INCLUDING OUTSIDE SALESWORKERS 1/	NUMBER OF NONSUPERVISORY EMPLOYEES SUBJECT TO THE MINIMUM WAGE PROVISIONS OF THE FLSA			NUMBER OF NONSUPERVISORY EMPLOYEES NOT SUBJECT TO THE MINIMUM WAGE PROVISIONS OF THE FLSA
			TOTAL	SUBJECT PRIOR TO THE 1966 AMENDMENTS 2/	SUBJECT AS A RESULT OF THE 1966 AND LATER AMENDMENTS 2/	
DENVER	3,133	2,534	1,904	1,285	619	630
COLORADO	1,438	1,170	932	647	285	238
MONTANA	297	237	157	95	62	80
NORTH DAKOTA	278	222	149	90	59	73
SOUTH DAKOTA	269	216	142	87	55	74
UTAH	628	510	396	275	121	115
WYOMING	223	179	128	91	38	51
KANSAS CITY	4,931	4,006	3,011	2,131	880	996
IOWA	1,146	931	648	454	194	282
KANSAS	1,012	818	605	430	176	213
MISSOURI	2,089	1,707	1,362	980	381	346
NEBRASKA	683	550	396	267	129	155
NEW YORK	11,246	9,081	7,119	5,326	1,793	1,963
NEW JERSEY	3,415	2,783	2,185	1,677	508	598
NEW YORK	7,831	6,298	4,934	3,649	1,285	1,365
PHILADELPHIA	10,656	8,661	6,925	4,736	2,190	1,736
DELAWARE	287	235	187	140	48	48
DISTRICT OF COLUMBIA	621	493	436	176	260	57
MARYLAND	1,828	1,473	1,154	757	397	319
PENNSYLVANIA	4,903	4,007	3,214	2,349	865	794
VIRGINIA	2,395	1,947	1,549	1,038	511	398
WEST VIRGINIA	623	505	385	276	109	120
SAN FRANCISCO	13,186	10,706	8,451	5,973	2,478	2,255
ARIZONA	1,204	979	790	546	244	188
CALIFORNIA	11,112	9,030	7,097	5,089	2,008	1,933
HAWAII	431	349	274	151	123	74
NEVADA	439	348	289	187	102	59

See footnotes at end of table.

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TABLE 9. ESTIMATED NUMBER OF WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE CLASSIFIED BY THEIR STATUS UNDER THE MINIMUM WAGE PROVISIONS OF THE FAIR LABOR STANDARDS ACT, BY REGION AND STATE, SEPTEMBER 1984

(IN THOUSANDS)-Continued

REGION AND STATE	NUMBER OF EMPLOYED WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE	NONSUPERVISORY EMPLOYEES INCLUDING OUTSIDE SALESWORKERS 1/	NUMBER OF NONSUPERVISORY EMPLOYEES SUBJECT TO THE MINIMUM WAGE PROVISIONS OF THE FLSA			NUMBER OF NONSUPERVISORY EMPLOYEES NOT SUBJECT TO THE MINIMUM WAGE PROVISIONS OF THE FLSA
			TOTAL	SUBJECT PRIOR TO THE 1966 AMENDMENTS 2/	SUBJECT AS A RESULT OF THE 1966 AND LATER AMENDMENTS 2/	
SEATTLE.....	3,460	2,810	2,113	1,433	680	696
ALASKA.....	227	182	138	94	44	44
IDAHO.....	375	306	212	137	75	94
OREGON.....	1,100	891	668	455	212	224
WASHINGTON.....	1,758	1,431	1,096	746	349	335

1/ SECTION 13(A)(1) EXEMPTS FROM THE MINIMUM WAGE AND OVERTIME PROVISIONS OF THE FAIR LABOR STANDARDS ACT "ANY EMPLOYEE IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY (INCLUDING ANY EMPLOYEE EMPLOYED IN THE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL, OR TEACHER IN ELEMENTARY OR SECONDARY SCHOOLS), OR IN THE CAPACITY OF OUTSIDE SALESMAN...."

2/ RELATES TO CURRENTLY EMPLOYED WORKERS WHO WOULD HAVE BEEN SUBJECT UNDER CRITERIA IN EFFECT AT THE TIME OF THE AMENDMENTS.

NOTE: DETAILS MAY NOT ADD TO TOTALS DUE TO ROUNDING.

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TABLE 10. ESTIMATED NUMBER OF EMPLOYED WAGE AND SALARY WOKKERS IN THE CIVILIAN LABOR FORCE CLASSIFIED BY THEIR STATUS UNDER THE OVERTIME COMPENSATION PROVISIONS OF THE FAIR LABOR STANDARDS ACT, BY INDUSTRY, UNITED STATES, SEPTEMBER 1984

(IN THOUSANDS)

INDUSTRY DIVISION	NUMBER OF EMPLOYED WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE				NUMBER OF NONSUPERVISORY EMPLOYEES SUBJECT TO THE OVERTIME COMPENSATION PROVISIONS OF THE FLSA			NUMBER OF NONSUPERVISORY EMPLOYEES NOT SUBJECT TO THE OVERTIME COMPENSATION PROVISIONS OF THE FLSA 3/
	TOTAL	ACTIVITIES GENERALLY EXEMPT UNDER SECTION 13(A)(1) OF FLSA 1/		NONSUPERVISORY EMPLOYEES EXCLUDING OUTSIDE SALESWORKERS	TOTAL	SUBJECT PRIOR TO THE 1966 AMENDMENTS 2/	SUBJECT AS A RESULT OF THE 1966 AND LATER AMENDMENTS	
		EXECUTIVE, ADMINISTRATIVE, AND PROFESSIONAL PERSONNEL	OUTSIDE SALESWORKERS					
ALL INDUSTRIES	99,213	18,463	2,550	78,200	59,400	42,458	16,942	21,350
PRIVATE SECTOR	82,957	11,982	2,550	68,425	56,814	42,458	14,356	14,161
AGRICULTURE 4/	1,676	86		1,590				1,590
MINING	1,024	135		889	876	870	6	13
CONTRACT CONSTRUCTION	4,654	467	5	4,182	4,124	3,462	662	63
MANUFACTURING	19,904	2,321	403	17,180	16,872	16,421	451	711
TRANSPORTATION AND PUBLIC UTILITIES	5,263	599	7	4,657	3,031	2,929	102	1,633
WHOLESALE TRADE	5,602	797	950	3,855	3,626	3,348	278	1,179
RETAIL TRADE	16,486	1,647	150	14,689	11,373	6,038	5,335	3,466
FINANCE, INSURANCE, AND REAL ESTATE	5,707	826	993	3,888	3,700	3,555	145	1,181
SERVICE INDUSTRIES (EXCEPT PRIVATE HOUSEHOLDS) 5/	21,077	5,104	42	15,931	12,277	5,835	6,442	3,696
PRIVATE HOUSEHOLDS	1,564			1,564	935		935	629
PUBLIC SECTOR	16,256	6,481		9,775	2,586		2,586	7,189
FEDERAL GOVERNMENT	2,757	522		2,235	2,185		2,185	50
STATE AND LOCAL GOVERNMENT 5/	13,499	5,959		7,540	401 6/		401	7,139

SEE NEXT PAGE FOR FOOTNOTES.

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FOOTNOTES FOR TABLE 10 -- OVERTIME COMPENSATION STATUS OF EMPLOYEES, BY INDUSTRY

1/ SECTION 13(A)(1) EXEMPTS FROM THE MINIMUM WAGE AND OVERTIME PROVISIONS OF THE FAIR LABOR STANDARDS ACT '...ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY (INCLUDING ANY EMPLOYEE IN THE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL, OR TEACHER IN ELEMENTARY OR SECONDARY SCHOOLS), OR IN THE CAPACITY OF OUTSIDE SALESMAN...' INCLUDED ARE ALL EMPLOYEES IN THE SPECIFIED ACTIVITIES WHETHER EMPLOYED IN COVERED OR NONCOVERED ESTABLISHMENTS.

2/ RELATES TO CURRENTLY EMPLOYED WORKERS WHO WOULD HAVE BEEN SUBJECT UNDER CRITERIA IN EFFECT PRIOR TO THE 1966 AMENDMENTS.

3/ INCLUDES WORKERS WHO ARE EXEMPT FROM PREMIUM PAYMENT FOR OVERTIME FOR PART OF THE YEAR OR WHOSE WORKWEEK STANDARD EXCEEDS 40 HOURS PER WEEK.

4/ ESTIMATES FOR AGRICULTURE ARE BASED ON AVERAGE EMPLOYMENT FOR THE TEN-MONTH ACTIVE SEASON.

5/ ESTIMATES FOR EDUCATIONAL SERVICES RELATE TO OCTOBER 1984.

6/ ESTIMATED EMPLOYMENT SUBJECT TO OVERTIME COMPENSATION RELATES TO NONSUPERVISORY EMPLOYMENT IN PUBLIC TRANSIT, OTHER PUBLIC UTILITIES, WATER TRANSPORTATION SERVICES, AND STATE LIQUOR STORES.

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TABLE 11. ESTIMATED NUMBER OF WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE CLASSIFIED BY THEIR STATUS UNDER THE OVERTIME COMPENSATION PROVISIONS OF THE FAIR LABOR STANDARDS ACT, BY REGION AND STATE, SEPTEMBER 1984

(IN THOUSANDS)

REGION AND STATE	NUMBER OF EMPLOYED WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE	NONSUPERVISORY EMPLOYEES INCLUDING OUTSIDE SALESWORKERS 1/	NUMBER OF NONSUPERVISORY EMPLOYEES SUBJECT TO THE OVERTIME COMPENSATION PROVISIONS OF THE FLSA			NUMBER OF NONSUPERVISORY EMPLOYEES NOT SUBJECT TO THE OVERTIME COMPENSATION PROVISIONS OF THE FLSA
			TOTAL	SUBJECT PRIOR TO THE 1966 AMENDMENTS 2/	SUBJECT AS A RESULT OF THE 1966 AND LATER AMENDMENTS 2/	
UNITED STATES..	99,213	80,750	59,400	42,458	16,942	21,350
ATLANTA.....	16,470	13,504	9,858	7,050	2,807	3,646
ALABAMA.....	1,446	1,181	852	609	243	329
FLORIDA.....	4,326	3,528	2,622	1,746	876	907
GEORGIA.....	2,592	2,130	1,567	1,135	432	563
KENTUCKY.....	1,288	1,056	742	519	223	314
MISSISSIPPI.....	890	726	493	353	140	232
NORTH CAROLINA....	2,668	2,206	1,611	1,240	371	595
SOUTH CAROLINA....	1,310	1,079	789	594	195	290
TENNESSEE.....	1,950	1,598	1,183	855	327	415
BOSTON.....	6,057	4,949	3,806	2,732	1,074	1,142
CONNECTICUT.....	1,575	1,295	1,005	765	240	290
MAINE.....	467	380	270	180	90	109
MASSACHUSETTS.....	2,888	2,353	1,836	1,294	542	517
NEW HAMPSHIRE.....	470	386	293	208	85	93
RHODE ISLAND.....	429	349	269	200	70	80
VERMONT.....	228	186	134	87	47	53
CHICAGO.....	19,191	15,627	11,653	8,636	3,018	3,974
ILLINOIS.....	4,868	3,960	3,001	2,232	768	959
INDIANA.....	2,233	1,830	1,356	1,020	336	474
MICHIGAN.....	3,521	2,855	2,147	1,618	529	708
MINNESOTA.....	2,001	1,631	1,190	838	352	441
OHIO.....	4,464	3,640	2,733	2,048	684	907
WISCONSIN.....	2,103	1,712	1,227	878	348	486
DALLAS.....	10,883	8,872	6,483	4,633	1,850	2,389
ARKANSAS.....	860	705	485	344	141	220
LOUISIANA.....	1,652	1,338	949	673	276	389
NEW MEXICO.....	521	417	285	187	98	131

See footnotes at end of table.

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TABLE 11. ESTIMATED NUMBER OF WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE CLASSIFIED BY THEIR STATUS UNDER THE OVERTIME COMPENSATION PROVISIONS OF THE FAIR LABOR STANDARDS ACT, BY REGION AND STATE, SEPTEMBER 1984

(IN THOUSANDS)-Continued

REGION AND STATE	NUMBER OF EMPLOYED WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE	NONSUPERVISORY EMPLOYEES INCLUDING OUTSIDE SALESWORKERS 1/	NUMBER OF NONSUPERVISORY EMPLOYEES SUBJECT TO THE OVERTIME COMPENSATION PROVISIONS OF THE FLSA			NUMBER OF NONSUPERVISORY EMPLOYEES NOT SUBJECT TO THE OVERTIME COMPENSATION PROVISIONS OF THE FLSA
			TOTAL	SUBJECT PRIOR TO THE 1966 AMENDMENTS 2/	SUBJECT AS A RESULT OF THE 1966 AND LATER AMENDMENTS 2/	
DALLAS						
OKLAHOMA	1,247	1,006	729	499	229	278
TEXAS	6,603	5,405	4,035	2,929	1,106	1,371
DENVER	3,133	2,534	1,767	1,171	596	767
COLORADO	1,438	1,170	880	601	280	290
MONTANA	297	237	139	82	57	98
NORTH DAKOTA	278	222	134	78	56	88
SOUTH DAKOTA	269	216	131	79	52	85
UTAH	628	510	367	251	116	143
WYOMING	223	179	116	81	35	63
KANSAS CITY	4,931	4,006	2,781	1,943	837	1,226
IOWA	1,146	931	605	421	184	326
KANSAS	1,012	818	554	387	167	263
MISSOURI	2,089	1,707	1,263	899	363	445
NEBRASKA	683	550	359	236	122	192
NEW YORK	11,246	9,081	6,773	5,034	1,739	2,309
NEW JERSEY	3,415	2,783	2,069	1,574	495	713
NEW YORK	7,831	6,298	4,703	3,460	1,244	1,595
PHILADELPHIA	10,656	8,661	6,486	4,406	2,080	2,175
DELAWARE	287	235	176	131	45	59
DISTRICT OF COLUMBIA	621	493	426	171	256	67
MARYLAND	1,828	1,473	1,089	705	384	385
PENNSYLVANIA	4,903	4,007	3,018	2,192	826	989
VIRGINIA	2,395	1,947	1,428	953	475	519
WEST VIRGINIA	623	505	348	254	94	157
SAN FRANCISCO	13,186	10,706	7,860	5,568	2,292	2,845
ARIZONA	1,204	979	732	512	220	247

See footnotes at end of table.

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TABLE 11. ESTIMATED NUMBER OF WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE CLASSIFIED BY THEIR STATUS UNDER THE OVERTIME COMPENSATION PROVISIONS OF THE FAIR LABOR STANDARDS ACT, BY REGION AND STATE, SEPTEMBER 1984

(IN THOUSANDS)-Continued

REGION AND STATE	NUMBER OF EMPLOYED WAGE AND SALARY WORKERS IN THE CIVILIAN LABOR FORCE	NONSUPERVISORY EMPLOYEES INCLUDING OUTSIDE SALESWORKERS 1/	NUMBER OF NONSUPERVISORY EMPLOYEES SUBJECT TO THE OVERTIME COMPENSATION PROVISIONS OF THE FLSA			NUMBER OF NONSUPERVISORY EMPLOYEES NOT SUBJECT TO THE OVERTIME COMPENSATION PROVISIONS OF THE FLSA
			TOTAL	SUBJECT PRIOR TO THE 1966 AMENDMENTS 2/	SUBJECT AS A RESULT OF THE 1966 AND LATER AMENDMENTS 2/	
SAN FRANCISCO						
CALIFORNIA.....	11,112	9,030	6,604	4,744	1,860	2,426
HAWAII.....	431	349	238	133	105	110
NEVADA.....	439	348	286	179	107	62
SEATTLE.....	3,460	2,810	1,933	1,284	650	876
ALASKA.....	227	182	126	81	44	56
IDAHO.....	375	306	185	113	73	120
OREGON.....	1,100	891	605	416	188	287
WASHINGTON.....	1,758	1,431	1,017	673	344	413

1/ SECTION 13(A)(1) EXEMPTS FROM THE MINIMUM WAGE AND OVERTIME PROVISIONS OF THE FAIR LABOR STANDARDS ACT "ANY EMPLOYEE IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY (INCLUDING ANY EMPLOYEE EMPLOYED IN THE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL, OR TEACHER IN ELEMENTARY OR SECONDARY SCHOOLS), OR IN THE CAPACITY OF OUTSIDE SALESMAN...."

2/ RELATES TO CURRENTLY EMPLOYED WORKERS WHO WOULD HAVE BEEN SUBJECT UNDER CRITERIA IN EFFECT AT THE TIME OF THE AMENDMENTS.

NOTE: DETAILS MAY NOT ADD TO TOTALS DUE TO ROUNDING.

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TABLE 12 ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES EXEMPT FROM THE MINIMUM WAGE OR THE OVERTIME PROVISIONS OF THE FAIR LABOR STANDARD ACT, BY INDUSTRY DIVISION, UNITED STATES, SEPTEMBER 1984

(IN THOUSANDS)

INDUSTRY DIVISION	ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES IN CATEGORIES IN WHICH --			
	MINIMUM WAGE EXEMPTIONS APPLY 1/	ONLY OVERTIME EXEMPTIONS APPLY		
		TOTAL	PARTIAL EXEMPTION 2/	FULL EXEMPTION 3/
ALL INDUSTRIES	7,625	4,039	221	3,818
PRIVATE SECTOR	7,625	3,989	171	3,818
AGRICULTURE	978	612		612
MINING		9		9
CONTRACT CONSTRUCTION	22	41		41
MANUFACTURING	426	227	35	192
TRANSPORTATION AND PUBLIC UTILITIES	7	1,603	29	1,574
WHOLESALE TRADE	961	204	37	167
RETAIL TRADE	2,420	1,047	20	1,027
FINANCE, INSURANCE, AND REAL ESTATE	993	1		1
SERVICE INDUSTRIES (EXCEPT PRIVATE HOUSEHOLDS)	1,293	141	50	91
PRIVATE HOUSEHOLDS	525	104		104
PUBLIC SECTOR		50	50	
FEDERAL GOVERNMENT		50	50	
STATE AND LOCAL GOVERNMENT				

SEE NEXT PAGE FOR FOOTNOTES.

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FOOTNOTES FOR TABLE 12 -- EXEMPTION STATUS OF EMPLOYEES, BY INDUSTRY

1/ THESE EMPLOYEES ARE ALSO EXEMPT FROM THE OVERTIME COMPENSATION PROVISIONS OF THE FAIR LABOR STANDARDS ACT.
2/ INCLUDES WORKERS WHO ARE EXEMPT FROM PREMIUM PAYMENT FOR OVERTIME FOR PART OF THE YEAR OR WHOSE WORKWEEK STANDARD EXCEEDS 40 HOURS PER WEEK.
3/ INCLUDES EMPLOYEES WHO ARE EXEMPT FROM PREMIUM PAYMENTS FOR OVERTIME FOR THE ENTIRE YEAR; DOES NOT INCLUDE EMPLOYEES WHO ARE EXEMPT FROM BOTH THE MINIMUM WAGE AND OVERTIME PROVISIONS OF THE ACT.

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